

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6619

BILL NUMBER: SB 286

NOTE PREPARED: Apr 30, 2003

BILL AMENDED: Apr 9, 2003

SUBJECT: Sex Offender Registration.

FIRST AUTHOR: Sen. Broden

FIRST SPONSOR: Rep. Dvorak

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It makes it a Class D felony for a registered sex offender to fail to submit a new registration form with the proper law enforcement authority after changing addresses.

(B) It requires the sex offender web site to be updated at least every seven days.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision A:* Under current law, failing to register as a sex offender is a Class D felony. The bill would also make it a Class D felony for a sex offender to fail to register a new address. There are no data available to indicate how many sex offenders fail to register new addresses. There was one offender committed to a Department of Correction (DOC) facility for failing to complete a registration in 2001.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Provision A:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class

D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Provision A:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Provision B: Under the current arrangement, the Sheriffs Association is developing the website for sex offenders and will be capable of updating the website every seven days. The Indiana Sheriffs Association is a 501(c)3 organization which receives its income from membership fees.

Explanation of Local Revenues: *Provision A:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction; Office of Women's Health, Department of Health; Department of Workforce Development.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

Fiscal Analyst: Mark Goodpaster, 232-9852.